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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001993

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DEPT FOR EAP, EAP/MTS, EAP/MLS, S/CT, DS/ICI/RFJ,
DS/IP/EAP, DS/DSS/ITA, DS/CC, DS/IIP/SC
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E.O. 12958: DECL: 07/23/2017
TAGS: [ASEC](#) [ID](#) [PGOV](#) [PINR](#) [PTER](#)
SUBJECT: :INDONESIAN GOVERNMENT SETS STAGE FOR NEXT
HIGH-PROFILE TERROR TRIAL

REF: A. JAKARTA 01620
[1](#)B. JAKARTA 00827 AND PREVIOUS

Classified By: Joseph L. Novak, Counselor for Political Affairs, for reasons 1.4 (b) and (d).

[1](#)1. (C) SUMMARY: Recently arrested Jemaah Islamiyah (JI) leaders Zarkasih and Abu Dujana are now in Jakarta after being transferred from Yogyakarta. Contacts report that they will be tried jointly, with the trial beginning possibly as early as August. Contacts report that the prosecution plans to press the argument that the two suspects, activities were part of a JI-led terror conspiracy. With regard to trial preparations, the GOI seems focused and well-organized, a positive sign that the national anti-terror effort is becoming even more effective. Please see biographic notes in para 8. END SUMMARY.

Suspects Moved to Jakarta

[1](#)2. (SBU) Under heavy police protection, JI leaders Zarkasih and Abu Dujana--arrested in Central Java in June (see Reftels)--were transferred to Jakarta from Yogyakarta on July [1](#)6. They are currently being held by the INP at a facility in southeast Jakarta.

Plan For Joint Trial

[1](#)3. (C) In recent meetings, poloffs discussed the GOI,s plans for the trial with Indonesian National Police (INP) Deputy Chief Investigator Gories Mere and Ansyad Mbai, a key CT official and retired INP Inspector General. According to them, the prosecution--after in-depth consultations with other government departments--plans to try the two jointly. The trial will be held in Jakarta and is tentatively slated to begin in August. At the same time, the GOI would also try a number of lower-level JI members who have mainly been picked up since March 2007. Mbai and Mere confirmed that seasoned CT prosecutor Salman Maryadi will lead the GOI,s prosecutorial team. Interagency coordination of trial preparations led by Attorney General Hendarman Supandji has

been collegial and focused, according to various contacts. If convicted under Article 9 of the 2003 counter-terrorism law, Zarkasih and Abu Dujana could receive the death penalty, although there is no precedent for that.

Pressing the Conspiracy Argument

¶5. (C) Mere and Mbai commented to poloffs that the prosecution planned to lay out a legal case claiming that JI represents a broad terrorist conspiracy in Indonesia. They admitted that the argument had not been used effectively or not made during earlier JI-linked cases. Due to new information gleaned from investigations this year, including comments by suspects like Dujana, however, the prosecution feels that now is a good time to press strongly the conspiracy argument. GOI CT contacts, nonetheless, note that the outcome of the trial depends largely on the availability of witness testimony, a fundamental necessity for prosecutors to prove their case under Indonesian law.

¶6. (C) Mbai expressed some hope that successful use of the terror conspiracy argument could eventually lead to JI,s designation by the Indonesian government as a terrorist organization, and to a GOI ban of the group. An official ban, he noted, would allow the INP to arrest other suspected JI members and JI-linked facilitators before they carry-out operations. GOI CT contacts said current legal practice requires the INP to wait until investigators see actual operational intent, which is a higher threshold than probable cause.

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¶7. (C) With regard to trial preparations, the GOI seems focused and well-organized, a positive sign that the national anti-terror effort is becoming even more effective. As noted, inter-agency coordination seems sound and the legal thinking taut.

Bio Notes

¶8. (C) When Attorney General Supandji was a young prosecutor in Yogyakarta, he handled the GOI's case in the 1980s against Abu Bakar Ba'asyir, the JI co-founder. Supandji and Mbai--who was the deputy Central Java police chief at that time--knew each other from training they attended together. They are known to maintain a collegial working relationship.

HUME